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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/562,042	02/15/2006	Rene Donnard	METPAT P79AUS	6142
20210	7590	10/02/2008	EXAMINER	
DAVIS BUJOLD & Daniels, P.L.L.C.			SCHARICH, MARC A	
112 PLEASANT STREET			ART UNIT	PAPER NUMBER
CONCORD, NH 03301			3611	
MAIL DATE		DELIVERY MODE		
10/02/2008		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/562,042	DONNARD, RENE
	<b>Examiner</b>	<b>Art Unit</b>
	MARC A. SCHARICH	3611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 12/23/2005.  
 2a) This action is **FINAL**.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 21-40 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 21-40 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date <u>12/23/2005</u> .	5) <input type="checkbox"/> Notice of Informal Patent Application
	6) <input type="checkbox"/> Other: _____ .

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 112***

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 21-40** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 21-40 are replete with several errors relating to minor informalities and have various limitations that are unclear and do not particularly point out and distinctly claim the subject matter, perhaps as a result of a French translation. The examiner advises applicant to thoroughly check all claim language in the claims for possible errors, in addition to the issues below cited below by the examiner. It is also recommended that the numerals presented in the claims be omitted due to inconsistent usage of them throughout the claims, which causes further ambiguity.

### ***Rejected under 35 U.S.C. 112, Second Paragraph***

#### **Claim 21**

Lines 6-7: “the first articulation” *should be* -- the first pivot articulation --.

Lines 7-8: the phrase “with *ane* axle for yaw movement being completely disconnected from axles for rolling and pitching movement.” is *ambiguous*.

Claim 22

Line 2: "yaw movement having a bearing rim" *should be* -- yaw movement having has a bearing rim --.

Claim 23

Line 2: "wherein articulating coupling" *should be* -- wherein the articulating coupling --.

Lines 2-3: the phrase "*an articulation* for rolling and pitching movement (21) allowing no play at *the level of that articulation.*" is ambiguous. The limitation "*an articulation*" is not distinguished from the "*second articulation*" of claim 21. Furthermore, "*at the level of that articulation*" is unclear.

Claim 24

Lines 2-3: the phrase "*an even planar contact of opposing plane surfaces*" is ambiguous. It is unclear what "*opposing plane surfaces*" (of what?) is referring to.

Claim 25 is dependent from claim 21, but *should be* dependent from claim 23.

Claim 31

Line 2: "the hub" *should be* -- the central hub --.

Line 4: the phrase "*as it pivots.*" is ambiguous. It is unclear what "*it*" is referring to.

Claims 34-36

Line 2: the limitation "the yaw damping device (40)" *should be* -- pivoting disc (40) -- as previously established by preceding claims.

Claim 38

Line 2: "a compression system" *should be* -- the compression system --

Line 2: the limitation "the yaw damping device (40)" *should be* -- pivoting disc (40) -- as previously established by preceding claims.

Claim 39

Line 2: the phrase "wherein *it* further comprises" is ambiguous. It is unclear what "it" is referring to.

Claim 40

Line 2: the phrase "wherein *its* exterior wall" is ambiguous. It is unclear what "its" is referring to.

Line 3: "the hub" *should be* -- the central hub --.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

**Claims 21-40**, as *currently and best understood*, are rejected under 35 U.S.C. 102(b) as being anticipated by Pontbriand, U.S. Patent No. 3,519,287.

Pontbriand discloses a trailer stabilizing connection (Figs. 1-4) between a trailer and towing vehicle *comprising at least*: a connecting plate (10) that is sandwiched between two pressure plates (14 and 16) and covered friction rings [*discs*] (18 and 20) are inserted between the connecting plate (10) and the pressure plates (14 and 16), the friction rings (18 and 20) increasing the resistance to rotation [*yaw movement*] between the connecting plate (10) and the pressure plates (14 and 16). The connecting plate (10) and the pressure plates (14 and 16) are resiliently secured together by a bolt (24) that's welded to the lower plate (16) and tightened at the other end by a nut (26) which compresses a washer (28) and a coil spring (30) around the bolt (24) so as to provide a predetermined compression between the plates (14 and 16). The connection between the trailer and towing vehicle additionally contains a hinge having elongated vertical apertures so that desired vertical and horizontal movements may be obtained to dampen yaw and endure a limited amount of pitch and roll. The bottom pressure plate (16) is provided with a set of adjacent slots (38) and a plate (42) is provided with a

corresponding set of elongated slots (40) to be located between the slots (38) so as to form a hinge that receives an articulating hitch pin (44) connection.

***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: The prior art cited on form PTO-892 relate to hitch couplings with multiple articulation axes, which may allow for at least some movement including yaw, pitch and roll.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MARC A. SCHARICH whose telephone number is (571)272-3244. The examiner can normally be reached on M-F 8:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (571) 272-6651. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

M.A.S. – 9/27/2008

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